

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NICOLE JOHNSON-GELLINEAU,

Case No.: 16-cv-9945-KMK

Plaintiff,

-against-

STIENE & ASSOCIATES, P.C.; CHRISTOPHER
VIRGA, ESQ.; RONNI GINSBERG, ESQ.;
JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION; WELLS FARGO BANK
NATIONAL ASSOCIATION, AS TRUSTEE FOR
CARRINGTON MORTGAGE LOAN TRUST,
SERIES 2007-FRE1, ASSET-BACKED
PASS-THROUGH CERTIFICATES;

**NOTICE TO PRO SE LITIGANT
PURSUANT TO
LOCAL CIVIL RULE 12.1**

Defendants.

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**Notice to Pro Se Litigant Who Opposes a Rule 12 Motion Supported by Matters Outside
the Pleadings**

The Defendants in this case have moved to dismiss or for judgment on the pleadings pursuant to Rule 12(b) or 12(c) of the Federal Rules of Civil Procedure, and have submitted additional written materials. This means that the defendants have asked the Court to decide this case without a trial, based on these written materials. You are warned that the Court may treat this motion as a motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure. For this reason, THE CLAIMS YOU ASSERT IN YOUR COMPLAINT MAY BE DISMISSED WITHOUT A TRIAL IF YOU DO NOT RESPOND TO THIS MOTION ON TIME by filing sworn affidavits as required by Rule 56(c) and/or other documents. The full text of Rule 56 of the Federal Rules of Civil Procedure is attached.

In short, Rule 56 provides that you may NOT oppose the defendant's motion simply by relying upon allegations in your complaint. Rather, you must submit evidence, such as witness statements or documents, countering the facts asserted by the defendants and raising specific facts that support your claim. If you have proof of your claim, now is the time to submit it. Any witness statements must be in the form of affidavits. An affidavit is a sworn statement of fact based on personal knowledge stating facts that would be admissible in evidence at trial. You may submit your own affidavit and/or the affidavits of others. You may submit affidavits that were prepared specifically in response to defendants' motion.

If you do not respond to the motion on time with affidavits and/or documents contradicting the facts asserted by the defendants, the Court may accept defendants' facts as true. Your case may be dismissed and judgment may be entered in defendants' favor without a trial.

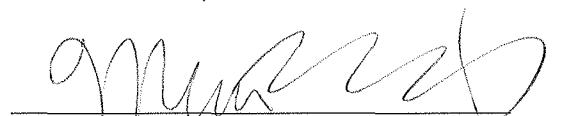
If you have any questions, you may direct them to the *Pro Se* Office.

DATED: Garden City, New York
September 28, 2018

Yours, etc.,

L'ABBATE, BALKAN, COLAVITA
& CONTINI, LLP

By:


Matthew J. Bizzaro, Esq.
Attorneys for Defendants
*Stiene & Associates, P.C., Ronni
Ginsberg, Esq. and Christopher Virga, Esq.*
1001 Franklin Avenue
Garden City, New York 11530
(516) 294-8844

TO: Nicole Johnson-Gellineau
Plaintiff, *Pro Se*
149 Wilkes Street
Beacon, NY 12508

Brian P. Scibetta, Esq.
Buckley Madole, P.C.
Attorneys for Defendants
*JPMorgan Chase Bank and
Wells Fargo Bank*
99 Wood Avenue South, Suite 803
Iselin, NJ 08830
(732) 692-6820

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
ss.:
COUNTY OF NASSAU)

DENISE MITCHELL, being duly sworn, deposes and says that deponent is not a party to the within action, is over 18 years of age and resides in Nassau County, New York.

That on the 28th day of September, 2018, deponent served the within **NOTICE TO PRO SE LITIGANT PURSUANT TO LOCAL CIVIL RULE 12.1** upon:

Nicole Johnson-Gellineau
149 Wilkes Street
Beacon, NY 12508

the respective party(ies) in this action, at the above address(es) designated by said party(ies) for that purpose by dispatching a copy by Federal Express overnight delivery to each of the above persons at the last known address set forth after each name above.


Denise Mitchell
DENISE MITCHELL

Sworn to before me this
28th day of September, 2018.



Notary Public

MIRANDA A. JOE
Notary Public, State of New York
No. 01JO6158380
Qualified in Nassau County
Commission Expires January 2, 2019